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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,590

09/27/2004

Jeffrey Miles Wilkinson

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BANNER & WITCOFF

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EXAMINER

WEST, LEWIS G

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,590	Applicant(s) WILKINSON, JEFFREY MILES	
	Examiner Lewis G. West	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47, 49-56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46, 47, 49-56, 61 and 68 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-45 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive. Henrick clearly shows that the connection to between the content server and the mobile may be direct, as with a wireless local area network, see col. 6 lines 2-9, which would not involve an intermediary wired network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 7-11, 13, 20, 22, 26-31, 33-37, 39 and 42-45 are rejected under 35

U.S.C. 102(e) as being anticipated by Henrick (6,507,727):

Regarding claim 1, Henrick discloses a content distribution method, comprising steps of:

(i) a content server establishing a direct wireless connection with a mobile unit, and receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a short range wireless operational area served by a transceiver of the content server; (Col. 4 lines 13-44; col. 6 lines 3-9)

(ii) the content server transmitting a first response to the mobile unit via the transceiver, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

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(iii) the content server receiving a second request for a specific content item from the mobile unit via the transceiver; (Col. 4 lines 46-53)

(iv) transmitting a second response from the content server to the mobile unit via the transceiver, wherein the second response comprises data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 3, Henrick discloses the method of claim 1, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 7, Henrick discloses the method of claim 1, further comprising the step of authenticating the mobile unit prior to transmitting the first response by the content server via the transceiver. (Col. 4 lines 24-53)

Regarding claim 8, Henrick discloses the method of claim 1, further comprising the step of authenticating the mobile unit prior to transmitting the second response by the content server via the transceiver. (Col. 4 lines 24-53)

Regarding claim 9, Henrick discloses the method of claim 1, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 3-9)

Regarding claim 10, Henrick discloses the method of claim 1, wherein the mobile unit comprises a personal digital assistant. (Col. 6 lines 3-9)

Regarding claim 11, Henrick discloses the method of claim 1, wherein the mobile unit comprises a laptop computer. (Col. 6 lines 3-9)

Regarding claim 13, Henrick discloses the method of claim 1, wherein a first specific content item is available according to a first set of predetermined conditions and a second

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specific content item is available according to a second set of predetermined conditions. (Col. 3 lines 60-col. 4 line 4; col. 4 lines 39-41)

Regarding claim 20, Henrick discloses a content server, comprising: a processor; a transceiver for receiving requests from and transmitting responses to a mobile unit within a short range wireless operational area served by the content server; (col. 6 lines 3-9); memory for storing computer readable instructions that, when executed by the processor, cause the content server to perform the steps of: (i) establishing a direct wireless connection with a mobile unit, and receiving a first request from the mobile unit for available content item via the transceiver; (Col. 4 lines 13-44) (ii) transmitting a first response to the mobile unit, wherein the first response comprises information associated with available content items via the transceiver; (Col. 4 lines 24-39) (iii) receiving a second request for a specific content item from the mobile unit via the transceiver (Col. 4 lines 46-53); and (iv) transmitting a second response to the mobile unit via the transceiver, wherein the second response comprises accessibility data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 22, Henrick discloses the content server of claim 20, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 26, Henrick discloses the content server of claim 20, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the first response via the transceiver. (Col. 4 lines 24-53)

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Regarding claim 27, Henrick discloses the content server of claim 20, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the second response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 28, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 4-9)

Regarding claim 29, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a personal digital assistant. (Col. 6 lines 4-9)

Regarding claim 30, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a laptop computer. (Col. 6 lines 4-9)

Regarding claim 31, Henrick discloses a computer readable medium storing computer readable instructions that, when executed by one or more processors, cause a content server to perform the steps of:

(i) establishing a direct wireless connection with a mobile unit, and receiving a first request for available content items from a mobile unit within short range wireless operational area served by a transceiver of the content server; (Col. 4 lines 13-44)

(ii) transmitting a first response to the mobile unit via the transceiver, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

(iii) receiving a second request for a specific content item from the mobile unit via the transceiver (Col. 4 lines 46-53); and

(iv) transmitting a second response to the mobile unit via the transceiver, wherein the second response comprises accessibility data corresponding to the specific content item, wherein

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the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 33, Henrick discloses the computer readable medium of claim 31, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 34, Henrick discloses the computer readable medium of claim 31, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the first response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 35, Henrick discloses the computer readable medium of claim 31, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the second response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 36, Henrick discloses the computer readable medium of claim 31, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 4-9)

Regarding claim 37, Henrick discloses A mobile unit, comprising: a transceiver that communicates with a content server when the mobile unit has established a direct wireless connection with the content server is within a short range wireless operational area served by the content server; a processor; memory for storing computer readable instructions that, when executed by the processor, cause the mobile unit to perform the steps of

(i) establishing a direct wireless connection with a mobile unit, and sending a first request for available content items to the content server; (Col. 4 lines 13-44)

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(ii) receiving a first response from the content server, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

(iii) sending a second request for a specific content item to the content server (Col. 4 lines 46-53); and

(iv) receiving a second response from the content server, wherein the second response comprises accessibility data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 39, Henrick discloses the mobile unit of claim 37, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 42, Henrick discloses the mobile unit of claim 37, comprising a mobile telephone. (Col. 6 lines 4-9)

Regarding claim 43, Henrick discloses the mobile unit of claim 37, comprising a personal digital assistant. (Col. 6 lines 4-9)

Regarding claim 44, Henrick discloses the mobile unit of claim 37, comprising a laptop computer. (Col. 6 lines 4-9)

Regarding claim 45, Henrick discloses the mobile unit of claim 37, wherein the computer readable instructions further cause the mobile unit to perform the step of sending authentication information to the content server. (Col. 4 lines 24-53; Col. 5 lines 11-24)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 12, 14-16, 18-21, 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wegener (6,490,432) in view of Henrick (6,507,727).

Regarding claim 1, Wegener discloses a content distribution method, comprising steps of:

(i) a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a wireless area served by the content server (Col. 7 lines 42-67);

(ii) the content server transmitting a first response to the mobile unit, wherein the first response comprises information associated with available content items; (Col 7 lines 42-67)

(iii) the content server receiving a second request for a specific content item from the mobile unit; (Col. 8 lines 11-13)

(iv) transmitting a second response from the content server to the mobile unit, wherein the second response comprises accessibility data corresponding to the specific content item; wherein the mobile unit accesses the content item using said accessibility data. (Col. 7 lines 51-67) but does not expressly disclose short range. Henrick discloses short-range content distribution. (col. 6 lines 3-9) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use content distribution with a direct wireless connection in a short range environment in order to save power and take advantage of the proliferation of available short range networks.

Regarding claim 2, the combination of Wegener and Henrick discloses the method of claim 1, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

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Regarding claim 12, the combination of Wegener and Henrick the method of claim 3, further comprising the steps of:

(v) opening a data channel between the mobile unit and a remote storage device; and

(vi) sending the specific content item to the remote storage device via the data channel.

(Wegener Col. 8 lines 52-67)

Regarding claim 14, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a time-based condition.

(Wegener Col. 5 lines 29-41)

Regarding claim 15, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a date-based condition.

(Wegener Col. 5 lines 29-41)

Regarding claim 16, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a user-based condition.

(Wegener Col. 8 lines 20-38)

Regarding claim 18, Wegener discloses the content server of claim 20, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 19, the combination of Wegener and Henrick discloses the method of claim 3, further comprising the step of downloading the specific content item from the mobile unit to a destination computer. (Col Wegener Col. 8 lines 52-67)

Regarding claim 21, Wegener discloses the content server of claim 20, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

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Regarding claim 32, the combination of Wegener and Henrick discloses the computer readable medium of claim 31, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 38, the combination of Wegener and Henrick discloses the mobile unit of claim 37, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Claims 4-5, 23-24, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick (6,507,727) in view of Levy (6,505,160).

Regarding claims 4, Henrick discloses the method of claim 1, but does not expressly disclose low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

Regarding claim 5, the combination of Henrick and Levy disclose the method of claim 4, wherein the wireless medium comprises Bluetooth protocols. (Col. 5 lines 51-66)

Regarding claim 23, the content server of claim 20, wherein the transceiver receives requests and sends responses using low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

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Regarding claim 24, the combination of Henrick and Levy discloses the content server of claim 23, wherein the transceiver receives requests and sends responses using Bluetooth protocols. (Col. 5 lines 51-66)

Regarding claim 40. The mobile unit of claim 37, wherein the transceiver sends requests and receives responses using low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

Regarding claim 41 the combination of Henrick and Levy discloses the mobile unit of claim 40, wherein the transceiver sends requests and receives responses using Bluetooth protocols. (Col. 5 lines 51-66)

Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick in view of Callway et al (US 2003/0027517).

Regarding claim 6, Henrick discloses the limitations of claim 1, but does not disclose infrared. Callway discloses a content distribution system using infrared communications. [0015] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to in the communications system, infrared requiring less power than radio communications.

Regarding claim 25, Henrick discloses the limitations of claim 20, but does not disclose infrared. Callway discloses a content distribution system using infrared communications. [0015]

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Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to in the communications system, infrared requiring less power than radio communications.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 46-56 and 58-61 allowable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

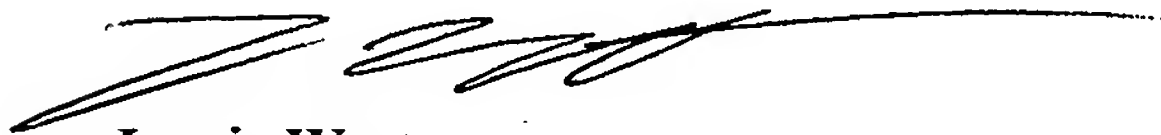
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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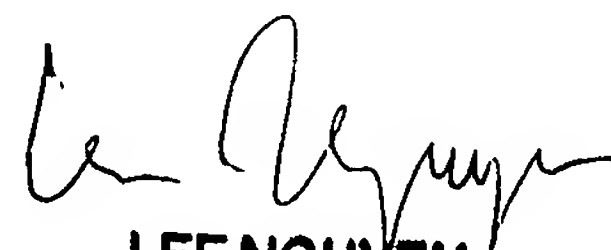
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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LEE NGUYEN
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